

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEPHANIE DAPPER,

Plaintiff,

v.

BRINDERSON, LLC, et al.,

Defendants.

C23-0632 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendant Brinderson, LLC's Motion to Partially Quash the Subpoena to Michael Martin, docket no. 61, is DENIED. To dispel any ambiguity as to Request no. 8, the Plaintiff may seek "[d]ocuments and communication relating to the website 'Anonib.al,'" including Martin's browser history evidencing visits to the website from September 1, 2021, to present. *See* docket no. 62-7 at pg. 9.¹

(a) As a preliminary matter, the Court finds Defendant has standing to challenge the subpoena. To find otherwise would result in each non-party prior employee having to intervene in the case in order to protect their own privacy interests. *See Emara v. Multicare Health System*, 2012 WL 5205950, at *3 (W.D. Wash. 2012); *see also Anstead v. Virginia Mason Medical Center*, 2023 WL 34505, at *2 (W.D. Wash. Jan. 4, 2023).

¹ Anonib.al, herein after referred to as "the website".

1 (b) Parties may obtain discovery regarding “any non privileged matter
2 that is relevant to any party’s claim or defense.” Federal Rules of Civil Procedure
3 (“F.R.C.P.”) 26.1(b)(2). Plaintiff alleges Defendant engaged in gender discrimination and
4 retaliation in violation of Title VII and the Washington Law Against Discrimination. *See*
5 docket no. 30 at pgs. 7-8. Defendant argues that the subpoena of Martin is irrelevant to
6 Plaintiff’s claims because information relating to Martin’s visits to the website are not
7 evidence of a nexus between the Defendant and the dissemination of the images. Docket
8 no. 61 at pgs. 7-8. Plaintiff responds that information about how, where, and when the
9 images were accessed is relevant to her claims and any privacy interest of Martin is
10 outweighed by the probative value of the discovery. Docket no. 66 at pg. 10. The Court
11 agrees with Plaintiff and finds that the subpoena is “reasonably calculated to lead to the
12 discovery of admissible evidence.” F.R.C.P. 26(b)(1).

13 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
14 record.

15 Dated this 29th day of October, 2024.

16 Ravi Subramanian
17 Clerk

18 s/Laurie Cuaresma
19 Deputy Clerk